

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:18 cr 49**

**UNITED STATES OF AMERICA**

**v.**

**SCOTT GRADY SMITH,**

**Defendant.**

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**ORDER**

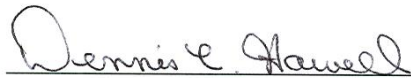
On June 6, 2018, the Court took Defendant's guilty plea and entered a recommendation that the District Court accept the guilty plea [# 12]. During the Rule 11 proceeding, the Court observed that Defendant appeared to be under the influence of a narcotic or other drug. Following, Defendant was detained subsequent a bond revocation hearing. During that detainment, the Court asked the U.S Probation Office to test Defendant for drug use. Over the course of two days, Defendant professed that he was unable to provide a urine sample for a urinalysis test. Therefore, the Court could not confirm that Defendant was not under the influence of a narcotic or other drug during the Rule 11 proceedings.

On June 11, 2018, the Court held a status conference and entered an oral order revoking bond and rejecting the acceptance and entry of the guilty plea. The Court set a new Rule 11 proceeding to be held on June 22, 2018. The Court now enters this Order to memorialize its previous oral order.

Therefore, the Court **VACATES** its previous recommendation to the District Court that it accept the entry of Defendant's guilty plea [# 14]. This Order is entered prior to the

expiration of time for either side to file objections to the Court's recommendation. After the Rule 11 proceeding scheduled for June 22, 2018, the Court will enter a new recommendation.

Signed: June 12, 2018

A handwritten signature in cursive script, reading "Dennis L. Howell", written over a horizontal line.

Dennis L. Howell  
United States Magistrate Judge

